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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

**IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION**

No. MD-15-02641-PHX-DGC

Jeffrey Bunch, an individual,

Civil Action No.: 2:16-cv-01678-PHX-DGC

Plaintiff

V

C.R. Bard, Inc., a corporation, and Bard Peripheral Vascular, Inc., an Arizona corporation,

**NOTICE OF FILING AMENDED
COMPLAINT**

Defendants.

Pursuant to Local Rule of Civil Procedure 15.1(b), Plaintiff Jeffrey Bunch respectfully submits this Notice of Filing First Amended Complaint. Attached as Exhibit A is a copy of the amended complaint that indicates in what respect it differs from the

1 original complaint. The Defendants do not oppose Plaintiff's filing of this Notice or the
2 First Amended Complaint.

3
4 RESPECTFULLY SUBMITTED this 13th day of July, 2016.
5
6 LOWE LAW GROUP
7
8

9 By /s/ Jonathan Peck
10 Nathan Buttars
11 Jonathan Peck
12 6028 S. Ridgeline Drive, Suite 200
13 Ogden, UT 84405
14 *Attorneys for Plaintiff(s)*

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18 **CERTIFICATE OF SERVICE**
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I hereby certify that on this 13th day of July, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

19
20 /s/ Jonathan Peck
21 Jonathan Peck
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7 **EXHIBIT A**
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FOR THE DISTRICT OF ARIZONA

**IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION**

No. MD-15-02641-PHX-DGC

**FIRST AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff:

Jeffrey Bunch

2. Spousal Plaintiff or other party making loss of consortium claim:

Penny Bunch

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator);

N/A

1 4. Plaintiff's state(s) [if more than one Plaintiff] of residence at the time of
2 implant:

3 Pennsylvania

4 5. Plaintiff's state(s) [if more than one Plaintiff] of residence at the time of
5 injury:

6 Pennsylvania

7 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

8 Pennsylvania

9 7. District Court and Division in which venue would be proper absent direct
10 filing:

11 Middle District of Pennsylvania

12 8. Defendants (check Defendants against whom Complaint is made):

13 C.R. Bard Inc.

14 Bard Peripheral Vascular, Inc.

15 9. Basis of Jurisdiction:

16 Diversity of Citizenship

17 Other: _____

18 a. Other allegations of jurisdiction and venue not expressed in Master
19 Complaint:
20 _____
21 _____
22 _____

1 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making
2 a claim (Check applicable Inferior Vena Cava Filter(s)):

- 3 Recovery® Vena Cava Filter
4 G2® Vena Cava Filter
5 G2® Express Vena Cava Filter
6 G2® X Vena Cava Filter
7 Eclipse® Vena Cava Filter
8 Meridian® Vena Cava Filter
9 Denali® Vena Cava Filter
10 Other: _____
11

12 11. Date of Implantation as to each product:
13

14 April 20, 2009
15

16 12. Counts in the Master Complaint brought by Plaintiff(s):
17

- 18 Count I: Strict Products Liability – Manufacturing Defect
19 Count II: Strict Products Liability – Information Defect (Failure
20 to Warn)
21 Count III: Strict Products Liability – Design Defect
22 Count IV: Negligence - Design
23 Count V: Negligence - Manufacture
24 Count VI: Negligence – Failure to Recall/Retrofit
25 Count VII: Negligence – Failure to Warn
26 Count VIII: Negligent Misrepresentation
27

- Count IX: Negligence *Per Se*
- Count X: Breach of Express Warranty
- Count XI: Breach of Implied Warranty
- Count XII: Fraudulent Misrepresentation
- Count XIII: Fraudulent Concealment
- Count XIV: Violations of Applicable Louisiana **Pennsylvania** Law
Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- Count XV: Loss of Consortium
- Count XVI: Wrongful Death
- Count XVII: Survival
- Punitive Damages
- Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

X Yes

No

RESPECTFULLY SUBMITTED this 26th 13th day of May July, 2016.

LOWE LAW GROUP

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Attorneys for Plaintiffs

Certificate of Service

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/s/ Jonathan Peck